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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/406,729	09/28/1999	IN TAE HWANG	CIT/K-090	1898

7590 10/22/2002

FLESHNER & KIM  
PO BOX 221200  
CHANTILLY, VA 201531200

EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/406,729

Applicant(s)

HWANG ET AL.

Examiner

David Odland

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities:

Claim 2 recites, "...said bearer service profile type includes...a radio environment." in lines 2 and 3. For clarification the term 'model', or something similar, should be appended to the end of the terms 'a radio environment' to more clearly represent what the bearer service profile type includes, since the specification describes, on page 8 lines 1-6, different types of radio environment 'models'.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites, "...deciding a bearer service profile type...according to a bearer service combination type..." in line 7. The specification does not adequately describe how the bearer service combination type is used to decide which bearer service profile type is to be used, in such a manner that would teach one of ordinary skill in the art to make and use the claimed invention.

Claims 2-9 are rejected because they depend on claim 1.

Claims 6 and 11 recite that the radio environmental models are classified according to periodic, on-demand, and threshold information, in lines 4 and 5. The specification does not adequately describe how the periodic, on-demand, and threshold information is used to classify the different environmental models, in such a manner that would teach one of ordinary skill in the art to make and use the claimed invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "...setting a transport format indicator..." in line 8 and "...a transport format combination indicator..." in line 10. It is unclear what is meant by a 'transport format indicator' and a 'transport format combination indicator'. Furthermore, the claim recites that the transport format combination indicator is appended to a dedicated physical control channel (DPCCH) in lines 9 and 10. As best understood, the 'transport format combination indicator' is some sort of value indication the format in which the data is to be transmitted. Therefore, it is unclear how an indicator value can be 'appended' to a physical link, namely the DPCCH link.

Claims 6 and 11 recite, in lines 4 and 5, that the radio environmental models are classified according to periodic, on-demand, and threshold information. It is unclear what is this information is regarding (i.e. where is the periodic, on-demand, and threshold information derived from).

Claim 7 recites "...of transport formats..." in line 3. It is unclear what transport formats are being referred to. Furthermore, the claim recites of a dynamic and static part of the transport format. It is unclear exactly what parts of the transport format these parts are referring to and why, functionally, one of the parts is dynamic and the other semi-static, as their names imply.

Claims 8 and 12 recite, "...said attributes of said dynamic part include...a transport block setup size..." in lines 2 and 3, respectively. It is unclear what is meant by a 'transport block setup size'.

Claims 9 and 13 recite, "...attributes of said semi-static part include...outer interleaving, inner coding, and inner interleaving..." in lines 2-5, respectively. It is unclear what is meant by 'outer interleaving, inner coding, and inner interleaving'.

Claims 2-9 are also rejected because they depend on claim 1.

Claim 10 recites a "...then assign a transport format combination set..." in line 12. It is unclear what is meant by a 'transport format combination set'. Furthermore the claim recites "...allowing a specific layer to set attributes..." in line 16. It is unclear what 'specific layer is being referred to. Lastly, the claim recites that the transport format combination indicator is appended to a dedicated physical control channel (DPCCH) in lines 18 and 19. As best understood, the 'transport format combination indicator' is some sort of value indication the format in which the data is to be transmitted. Therefore, it is unclear how an indicator value can be 'appended' to a physical link, namely the DPCCH link.

Claims 11-13 are rejected because they depend on claim 10.

### ***Conclusion***

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4. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 6009091 to Stewart et al.
- b. U.S. Patent Number 5638371 to Raychaudhuri et al.
- c. U.S. Patent Number 5774461 to Hyden et al.
- d. U.S. Patent Number 5787080 to Hulyalkar et al.
- e. U.S. Patent Number 5936949 to Ben-Efraim et al.
- f. U.S. Patent Number 5953328 to Kim et al.
- g. U.S. Patent Number 5958018 to Eng et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

October 18, 2002

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600